

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ROBERT BIRCH,
a/k/a "Robbie Birch,"

Defendant.

SEALED INDICTMENT

23 Cr.

23 CRIM 563

COUNT ONE
(Production of Child Pornography)

The Grand Jury charges:

1. On or about May 27, 2023, in the Southern District of New York and elsewhere, ROBERT BIRCH, a/k/a "Robbie Birch," the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means including by computer and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BIRCH induced and coerced a minor victim ("Minor Victim-1"), who was 15 years old at the time, to engage in sexually explicit activity during live-streamed video calls with BIRCH, which BIRCH

recorded, in Manhattan, New York.

(Title 18, United States Code, Sections 2251(a) and 2.)

COUNT TWO
(Production of Child Pornography)

The Grand Jury further charges:

2. On or about June 9, 2023, in the Southern District of New York and elsewhere, ROBERT BIRCH, a/k/a “Robbie Birch,” the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means including by computer and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BIRCH induced and coerced Minor Victim-1, who was 15 years old at the time, to engage in sexually explicit activity during live-streamed video calls with BIRCH, which BIRCH recorded, in Manhattan, New York.

(Title 18, United States Code, Sections 2251(a) and 2.)

COUNT THREE
(Production of Child Pornography)

The Grand Jury further charges:

3. On or about June 12, 2023, in the Southern District of New York and elsewhere,

ROBERT BIRCH, a/k/a “Robbie Birch,” the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means including by computer and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, BIRCH induced and coerced Minor Victim-1, who was 15 years old at the time, to engage in sexually explicit activity during live-streamed video calls with BIRCH, which BIRCH recorded, in Manhattan, New York.

(Title 18, United States Code, Sections 2251(a) and 2.)

COUNT FOUR
(Possession of Child Pornography)

The Grand Jury further charges:

4. On or about August 11, 2023, in the Southern District of New York and elsewhere, ROBERT BIRCH, a/k/a “Robbie Birch,” the defendant, knowingly possessed and accessed with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any

means, including by computer, to wit, BIRCH possessed a thumb drive and a tablet containing sexually explicit images of minors, including images of prepubescent minors and minors who had not attained 12 years of age, at his residence in Manhattan, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).)

COUNT FIVE

(Transmission of Interstate Communications with Intent to Extort)

The Grand Jury further charges:

5. From in or about May 2023 through in or about July 2023, in the Southern District of New York and elsewhere, ROBERT BIRCH, a/k/a “Robbie Birch,” the defendant, knowingly, and with intent to extort from a person any money and other things of value, transmitted in interstate and foreign commerce communications containing threats to injure the property and reputation of a person, to wit, BIRCH, while located in Manhattan, New York, sent hundreds of electronic messages to Minor Victim-1, threatening to cause reputational harm to Minor Victim-1 if Minor Victim-1 did not engage in sexually explicit conduct while on live-streamed video calls with BIRCH.

(Title 18, United States Code, Section 875(d).)

FORFEITURE ALLEGATION

6. As a result of committing the offenses alleged in Counts One through Four of this Indictment, ROBERT BIRCH, a/k/a “Robbie Birch,” the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, and Title 28, United State Code, Section 2461(c), any and all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from said offenses and any and all property, real or personal, used or intended to be used to commit or promote the commission of said offenses or traceable to such

property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

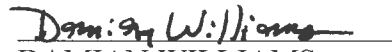
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 2253;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


DAMIAN WILLIAMS
United States Attorney